United Nations PCNICC/2001/INF/3

Preparatory Commission for the International Criminal Court

27 September 2001

Original: English

New York, 24 September-5 October 2001

Statement by the Minister for Foreign Affairs of the Kingdom of the Netherlands, Jozias J. van Aartsen, presented during the eighth session of the Preparatory Commission on 25 September 2001

Thank you for offering me the opportunity to address the Preparatory Commission today. The current session of the Preparatory Commission is taking place in a particularly harrowing period. New York was shaken on its foundations less than two weeks ago, by the evil powers of terrorism. The world shook with it. Only slowly are we coming to grips with this barbaric attack on our shared values of liberty, democracy and justice. We emerge more convinced than ever of the need to strengthen the international legal order and the fight against universal crimes. Where better to begin our renewed effort than in that same city of New York?

As we stare at the images of destruction and grief, we are reminded of the great courage and compassion of those who came to the rescue. In particular, the New York City firefighters and the New York City police officers deserve our profound respect. They have truly risen to the occasion.

While those brave men and women work in the debris not far from here, we must show the same determination in building a strong international legal order. More than ever, the importance of the International Criminal Court (ICC) is clear to us all. Perpetrators of horrendous crimes such as those that were committed here must be brought to justice. Universal crimes demand a universal answer.

I have been closely monitoring the developments in the Preparatory Commission over the past few years and I am impressed with its results. Your commitment to this process, Mr. Chairman, has been crucial to the success of the negotiations.

Following the conclusion of the Rome Conference in July 1998, the particularly difficult negotiations on the Rules of Procedure and Evidence and the Elements of Crimes took up a lot of time at the Preparatory Commission. We have now entered a new phase of the negotiations. We are on a fast track towards the actual establishment of the Court at The Hague.

Instruments of ratification have been deposited with the Secretary-General at a much faster pace than was anticipated, and many more are in the pipeline. The

01-55375 (E) 280901

Kingdom of the Netherlands deposited its instrument of ratification on17 July, the third anniversary of the adoption of the Statute in Rome. By all reasonable accounts, we can expect the sixtieth ratification well before the summer of 2002. That will serve as an incentive to finalize all outstanding issues in the Preparatory Commission within the current session of the General Assembly.

And yet finalizing the current outstanding issues is only one of our responsibilities! Most importantly, the Preparatory Commission, and specifically the States that have ratified or will ratify the Statute, have to help jump-start the Court. Being a treaty organization, unlike the International Tribunal for the Former Yugoslavia, which is a United Nations organization, the Court will start its operations from scratch. It is neither possible nor even desirable for us to plan out every detail of the Court's future, but we must ensure through meticulous planning that the Court will be in a position to carry out its work from the very start. The Court must truly become the kind of credible new institution we all want it to be from its inception. That is imperative. Let me reiterate that the Netherlands Government will do its utmost to assist the Preparatory Commission and its Bureau in planning the phase that will follow the sixtieth ratification.

Now, what about our national preparations as the future host State for the Court? Let me first of all assure you that my Government's commitment to the ICC is complete. Both houses of parliament unanimously support our role as host nation. Hosting international judicial institutions is a long tradition of which we in the Netherlands are proud. The Netherlands has gained a wealth of knowledge through its specific and unique experience since the establishment of the Yugoslavia Tribunal. We gladly use this expertise in our preparatory work.

Let me give you some details on the state of our preparations. First of all, to tackle the many issues involved I have decided to expand the ICC task force: a total of 10 officials have now been committed to the ICC project, by me and by several other government ministries and agencies. Shortly, the Netherlands will appoint a senior official as the head of that task force, with the status of Director-General.

As for the future premises of the Court, you will be aware that the Government took a decision last June on the site for the permanent premises. It has secured the best available location for the Court. This prime site has long been in use by the military and is ideal from a security and transport perspective. The army barracks there will make way for the seat of the Court's headquarters.

The Government, in cooperation with the municipal authorities of The Hague, is preparing an international architectural competition for the design of the permanent ICC buildings.

All efforts will be made to construct a seat which will be as worthy of the Court as it will be practical. It will comprise some 30,000 square metres of office space, courtrooms, service areas, areas for the public and detention facilities. Construction should be finished by 2007.

That time frame made it imperative for my Government to decide on *interim arrangements*. I am pleased to announce that, after careful reflection of the Court's needs, we have found a building that meets every one of them. What is more, it will be available from the very first day of the Court's existence. It will be financed by the Netherlands Government in accordance with The Hague bidbook, on which the Rome Conference based its decision on the ICC headquarters.

For the temporary premises alone, the Netherlands will spend more than 33 million euros, approximately 10 million of which will be invested in the interior layout and design, including the courtroom. The building is located opposite the International Tribunal for the Former Yugoslavia, and at 12,000 square metres, is spacious and flexible enough to serve the purposes of the court from day one. Special attention will be given to security measures. In order to facilitate the smooth start of the Court in its first year, we will also provide for office furniture and equipment for up to 100 officials and staff members.

As Ambassador van den Berg stated in his letter of 20 July 2001 to the United Nations Legal Counsel, the Netherlands Government feels a special, but by no means exclusive, responsibility for the effective functioning of the Court. My Government is therefore willing to contribute financially to the initial meetings of the Assembly of States Parties and its Bureau. A further decision on the exact amounts that we will be able to contribute will be taken on the basis of an agreed budget, once the political parameters have been assessed. You can count on us. In any case the Netherlands will fully finance the meeting for the Inaugural Meeting of the Court, which will take place at The Hague.

The Netherlands takes its responsibilities as host country of the ICC seriously. Preparations for its establishment there are well under way. However, we need input from many sides, that is to say, from you Mr. Chairman, and the other members of the Bureau, as well as the ratifying States, experts and NGOs. We hope to get clear indication form the Preparatory Commission on the time schedule to be followed in order to best facilitate the establishment of the Court. Therefore close consultation and cooperation among all the parties involved is of the essence. It is quite obvious that there are limits to what the host nation can do on its own.

The weighty responsibility for getting the Court off to a successful start rests on all of our shoulders, and in particular, Mr. Chairman, on yours.

We view the rapid establishment of the ICC as a fundamental way to enhance respect for international law and human rights. The Court will be a powerful instrument in the fight to bring to justice those who have committed or instigated atrocities. It will strengthen the primacy of law and contribute to global peace and security.

The importance of the ICC cannot be overstated. It is the road to justice that we are helping to pave.